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TELECOMMUNICATIONS AND INTERNET LAW

Fall 2006

Volume II of II

Peter Ruby
Jonathan Daniels

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COURSE MATERIALS

VOLUME I		
1. Course Overview and Introduction to the Industry		
A		*Telecommunications Act*
2. Introduction to Telecom Regulation		
A		John S. Tyhurst, "Monopoly Lost? The Legal and Regulatory Path to Canadian Telecommunications Competition 1979-2002" (2001-2002) 33 Ottawa Law Review 385
B		CRTC, Telecommunications Monitoring Report, Status of Competition in Canadian Telecommunications Markets, July 2006 • Cover Page • Pages i-iv • Pages 27-41
C		CRTC, Decision CRTC 97-8, "Local Competition", General Considerations (paragraphs 4-14)
3. Hot Topics in Telecommunications Regulation		
A	Local Forbearance	CRTC, Telecom Decision CRTC 2006-15, Backgrounder
B	Local Forbearance	BMO Nesbit Burns Research Note, "Local Decision Provides Little Near Term Relief; Telcos Disappointed", April 7, 2006
C	Price Caps	CRTC, Telecom Public Notice CRTC 2006-5, Review of Price Cap Framework
D	VoIP	CRTC, Telecom Public Notice CRTC 2006-6, "Reconsideration of Regulatory framework for voice communication services using Internet Protocol,"
4. Competition Law and Telecommunications Law		
A		CRTC/Competition Bureau Interface
B		Competition Bureau, Technical Bulletin on Regulated Conduct, June 2006
5. Telecom Policy Review and Cabinet Policy Direction		
A	TPR	TPR Report • Cover Page • Executive Summary (pages 3-14) • List of Recommendations (pages 12-3 to 12-22)
B	Policy Directive	Canada Gazette – Policy Direction to CRTC • Pages 1606-1610
6. Network Neutrality		
A		Merrill Lynch, "Net Neutrality: Will Carriers Remain Gate Keepers?", February 14, 2006.
B		Tim Wu & Lawrence Lessig, Submission to FCC, August 22, 2003.
C		Gregory Sidak, Testimony before the United States Senate Committee on Commerce, Science and Transportation, February 7, 2006.
D		Michael Geist, "Dangers Lurk in ISPs Bid for New Tolls, Two-Tier Web", Toronto Star, December 19, 2005.

VOLUME II		
7. Internet Jurisdiction and the Defamation Example		
A		Doc Searls and David Weinberger, "World of Ends: What the Internet Is and How to Stop Mistaking It For Something Else"
B		*Zippo Manufacturing Company v. Zippo Dot Com, Inc.*, (1997) 42 U.S.P.Q. 2D (BNA) 1062 (excerpts)
C		*Braintech, Inc. v. Kostiuk*, (1999) 171 D.L.R. (4th) 46 (excerpts)
D		*Yahoo!, Inc. v. La Ligue Contre Le Racisme et L'Antisemitisme*, (2001) 169 F. Supp. 2D 1181
E		*Dow Jones & Company Inc. v. Joseph Gutnick*, [2002] HCA 56 (excerpts)
F		*Bangoura v. The Washington Post et al*, 2005 OCA Docket C41379, September 16, 2005
G		*Burke v. NYP Holdings Inc.*, 2005 BCSC 1287
H		*Disney Enterprises Inc. v. Click Enterprises Inc.* [2006] O.J. No. 1308
I		*Canadian Association of Internet Providers et al v. Society of Composers, Authors and Music Publishers of Canada et al*, (2004) S.C.C. 45 (excerpts)
J		*Godfrey v. Demon Internet Ltd.*, [1999] E.W.J. No. 1226
K		*Barrick Gold Corporation v. Jorge Lopehandia et al* (Ont. C.A.)
8. Physical Access Rights and Judicial Review of the CRTC		
A	Poles	*Constitution Act*, 1867, ss. 91 to 95
B		*Barrie Public Utilties v. Canadian Cable Television Association*, [2003] 1 S.C.R. 476 (excerpts)
C	Roads	*Federation of Canadian Municipalities v. AT&T Canada Corp.*, [2002] F.C.J. No. 1777 (F.C.A.)
D	Buildings	Benjamin D. Rovet, Telecom Update, "Building Access Decision: Telecom Decision CRTC 2003-45"
E	Judicial Review of CRTC	Scott M. Prescott and C. Christopher Johnston, "Judicial Deference to the CRTC's Discretionary Decision-Making Authority", New Developments in Communications Law and Policy, LSUC CBA Conference
9. Digital Copyright		
A		*BMG Canada Inc., et al v. John Doe et al*, [2005] F.C.J. No. 858
B		*Canada (Canadian Private Copying Collective) v. Canadian Storage Media Alliance*, [2004] F.C.J. No. 2115 (excerpts)
C		*Robertson v. Thomson* [2004] O.J. No. 4029
D		Bill C-60, amendment to the *Copyright Act* (excerpts)
E		*Metro-Goldwyn-Mayer Studios Inc. et al. v. Grokster, Ltd. et al*